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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re the Marriage of FARIDEH
BARARPOUR and IMAN HATAMI.

H027209
(Santa Clara County
Super. Ct. No. FL100057)

FARIDEH BARARPOUR,

Respondent,

v.

IMAN HATAMI,

Appellant.

This appeal is one in a number of appeals brought by appellant Iman Hatami in the course of his dissolution action. This pro per appeal arises out of Mr. Hatami's ongoing attempts to modify the child support orders made previously by the trial court. Mr. Hatami claims that the trial court abused its discretion in a number of ways. The respondent, Farideh Bararpour has not filed a response brief. Finding that Mr. Hatami has failed to show that the trial court abused its discretion, we affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

The judgment of dissolution in this action provided that ongoing child support be paid by Mr. Hatami to Ms. Bararpour.¹ From what we can glean from the rather incomplete record filed by the Mr. Hatami, it appears that on March 4, 2004, Mr. Hatami filed a post judgment motion for modification of child support, spousal support and request to change to a new daycare. The court held a hearing on the matter on June 26, 2003. At the hearing, Mr. Hatami indicated that he was disabled and unemployed and living on loans. In response to the court's question regarding the source of these loans, Mr. Hatami refused to identify the source. The trial court then indicated that it could not proceed on the motion without that information. Mr. Hatami asked for a continuance and Ms. Bararpour objected. Mr. Hatami's counsel then volunteered that "if the court is disinclined to grant a continuance then Mr. Hatami will at this time dismiss his motion without prejudice."

¹ "The parties were married in Iran, pursuant to Iranian law in 1993. The marriage produced one child in 2000. In June 2001, Ms. Bararpour filed for dissolution of the marriage, seeking sole custody and requesting a restraining order. On June 28, 2001, the trial court entered a temporary child support and custody order requiring the parents to share custody and ordering Mr. Hatami to pay child support in the amount of \$663 per month and spousal support in the amount of \$553 per month, as well as 50 percent of the daycare expenses. However, after losing his job, Mr. Hatami moved to modify the original order. On January 30, 2002, at a hearing on his motion, the court reduced the child support to \$171 per month while the issue of temporary spousal support was reserved.

"The matter proceeded to trial on November 7, 2002. After hearing evidence and argument on the issues of marital property, child custody and support, the court divided the marital assets and debts, ordered the payment of attorney fees, ordered joint legal custody of the child with primary physical custody to Ms. Bararpour and visitation for Mr. Hatami, denied spousal support and continued the January 30, 2002 child support order, finding that there was no change in circumstances." (*In Re the Marriage of Farideh Bararpour and Iman Hatami* (Feb. 25, 2004, H025603) [nonpub. opn.] fn. omitted.)

At this hearing, the trial court also considered Ms. Bararpour's motion for attorney fees on appeal in the amount of \$10,000 arising from a prior appeal to this court. After hearing testimony from Ms. Bararpour the court ordered Mr. Hatami to pay \$7500 in attorney fees on appeal.

Both parties submitted proposed orders after hearing. On January 9, 2004, the court signed and filed an "Order After Hearing Re Modification of Temporary Child and Spousal Support, Child Care and Attorney Fees." In that order, the court dismissed the motion for modification without prejudice, ordered Mr. Hatami to pay pendente lite attorney fees in the amount of \$7500 and reserved the issue of additional attorney fees.

DISCUSSION

On appeal, Mr. Hatami claims that the trial court abused its discretion in making this order. However, in his brief, the Mr. Hatami fails to cite to that portion of the record which would support his contentions. An appellant must affirmatively show error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) "We are not required to search the record to ascertain whether it contains support for [plaintiff's] contentions.

[Citation.]" (*Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545.)

Where no record references are made we may treat a point as waived and pass it without consideration. (*Troensegaard v. Silvercrest Industries, Inc.* (1985) 175 Cal.App.3d 218, 229.) Nor does Mr. Hatami cite any case authority to support his arguments. On appeal, the appellant also has the obligation to direct this court to legal authority that supports the arguments in support of his position. If none is furnished, the court may treat the point as waived and pass it without consideration. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.)

We appreciate the effort involved in Mr. Hatami representing himself in these proceedings. But self-representation does not exempt a litigant from the requirements of the law. "A litigant has a right to act as his own attorney [citation] 'but, in so doing, should be restricted to the same rules of evidence and procedure as is required of those qualified to practice law before our courts; otherwise, ignorance is unjustly rewarded.'

[Citations.]” (*Lombardi v. Citizens Nat. Trust etc. Bank* (1955) 137 Cal.App.2d 206, 208-209.) A self-representing party is due the same consideration as any other party from trial and appellate courts, but no greater. (*Monastero v. Los Angeles Transit Co.* (1955) 131 Cal.App.2d 156, 160; *Harding v. Collazo* (1986) 177 Cal.App.3d 1044, 1056.) Courts are not obliged to act as counsel for the self-representing party, though we should guard against inadvertence causing a miscarriage of justice. (*Lombardi v. Citizens Nat. Trust etc. Bank, supra*, 137 Cal.App.2d at pp. 209-211; *Taylor v. Bell* (1971) 21 Cal.App.3d 1002, 1008; *Harding v. Collazo, supra*, 177 Cal.App.3d at p. 1055.) Having failed to provide this court with either citations to the record or to authority, we are neither obligated nor inclined to consider the merits of each of Mr. Hatami’s claims independently.

Even if we were to consider Mr. Hatami’s claims on appeal, there is nothing in the record to show that the trial court abused its discretion in any way. The court asked Mr. Hatami a direct and relevant question which he refused to answer. When the court said that it could not proceed on the motion without an answer, Mr. Hatami asked for a continuance. When the Ms. Bararpour objected, Mr. Hatami’s counsel suggested that Mr. Hatami could withdraw his motion. The court agreed to that proposed remedy. Mr. Hatami fails to demonstrate and we find no abuse of discretion in that order.

Further, Mr. Hatami claims that the trial court abused its discretion by ordering the payment of fees on appeal. Again, Mr. Hatami fails to demonstrate any abuse of discretion. The fees request was for \$10,000. The court heard testimony from respondent and considered evidence before reducing the request to \$7500. There was no abuse of discretion in making this order either.

DISPOSITION

The order appeal from is affirmed

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.